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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,039	08/16/2006	Frederik Hendrik In't Veld	NL05 0182 US1	9444
65913	7550	12/10/2009	EXAMINER	
NXP, B.V. NXP INTELLECTUAL PROPERTY & LICENSING M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			DENTER, CLARK F	
			ART UNIT	PAPER NUMBER
			3724	
			NOTIFICATION DATE	DELIVERY MODE
			12/10/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

# Office Action Summary

**Application No.**

10/598,039

**Applicant(s)**

INT' VELD ET AL.

**Examiner**

Clark F. Dexter

**Art Unit**

3724

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 5-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 10-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

1. The amendment filed on August 24, 2009 has been entered.

***Claim Rejections - 35 USC § 112, 2<sup>nd</sup> paragraph***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 3 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 2-3, the recitation "wherein the nozzle is oriented generally toward the semiconductor device while the cutting blade is dicing the semiconductor device" renders the claim vague and indefinite since the invention is being positively defined in terms of structure (e.g., the semiconductor device) that is not part of the claimed invention.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 955 119 A2 and/or B1 (hereafter EP '119).

EP '119 discloses a nozzle assembly with every structural limitation of the claimed invention including:

one or more nozzles (e.g., 12) configured to protrude toward a cutting blade for cutting a semiconductor device; and

a channel (e.g., the portion in which the blade is inserted as viewed in Fig. 5) formed in each of the nozzles, the channel being configured to at least partially surround the cutting blade, so as to simultaneously direct flow of a fluid onto the cutting edge of the cutting blade and onto the sides of the cutting blade;

[claim 2] wherein the nozzles are affixed to and in fluid communication with a pipe member (e.g., 11, 39), so as to direct flow of the fluid from the pipe member through the one or more channels;

[claim 10 (from 2)] wherein the pipe member (e.g., 39) comprises an inlet at one end (e.g., where 39 connects to 11) and a fluid passage extending from the inlet to an opening in the side of the pipe member (e.g., the opening in the right or front side of 39 as viewed in Fig. 1);

[claim 11 (from 10)] wherein the one or more nozzles are connected to the pipe member through the opening in the side of the pipe member;

[claim 3] wherein the nozzle is oriented generally toward the semiconductor device while the cutting blade is dicing the semiconductor device;

[claim 12] wherein the channel withholds the fluid (e.g., the channel is fully capable of withholding some fluid to at least some extent);

[claim 13 (from 12)] wherein each of the one or more nozzles includes a blade receiving portion and a fluid passage portion, wherein the blade receiving portion includes the channel, and wherein the fluid passage portion includes a through slot (e.g., 20 as viewed in Fig. 6) that directs fluid from the pipe member to the channel of the blade receiving portion;

[claim 14 (from 13)] wherein the slot include an inlet for receiving the fluid from the pipe member and an outlet for distributing the fluid to the channel of the blade receiving portion;

[claim 15 (from 13)] wherein each of the one or more nozzles includes a cavity (e.g., the counterbored portion of 20), which is between the inlet and the pipe member.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions

covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 955 119 A2 and/or B1 (hereafter EP '119).

EP '119 discloses a nozzle assembly with almost every structural limitation of the claimed invention as described above but lacks a plurality of the nozzles. However, the Examiner takes Official notice that it is old and well known in the art to provide a plurality of nozzles, particularly with a cutting blade for various well known benefits including to facilitate cooling a larger blade or to provide additional cooling action on a particular blade, for example to more quickly cool the blade and/or to provide a larger amount of cooling to the blade. Therefore, it would have been obvious to one having ordinary skill in the art to provide a nozzle assembly having plural nozzles on the device of EP '955 to gain the well known benefits including those described above.

It is noted that the common knowledge or well-known in the art statement of the previous office action has been taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. See MPEP § 2144.03.

***Response to Arguments***

8. Applicant's arguments filed August 24, 2009 have been fully considered but they are not persuasive.

In the third paragraph on page 5 of the subject amendment, applicant argues that the described special technical feature (presented in *italics*) is found in all of the claims, particularly claims 1, 5 and 9 and thus all of the claims should be examined. The Examiner respectfully disagrees with applicant's position since the described special technical feature to this point has been determined to be prior art and thus cannot be considered to be a special technical feature.

In the third paragraph on page 7 of the subject amendment, applicant argues that because the semiconductor device is claimed in claim 1, then it is properly claimed in claim 3. The Examiner respectfully disagrees. In claim 1, the subject recitation clearly states that the nozzles are "configured to protrude toward a cutting blade for cutting a semiconductor device." Clearly, the cutting blade is not being claimed as part of the claimed invention and certainly, then, the semiconductor device is not being claimed as part of the claimed invention. Rather, the claim merely sets forth that the nozzles protrude such that they are capable of performing (i.e., configured to perform) the recited function of intended use. However, in claim 3, the subject recitation positively sets forth a specific direction in terms of the semiconductor device and thus positively defines the invention in terms of the workpiece which is not part of the claimed invention and thus renders the claim vague.

On page 4 of the subject amendment, applicant argues that the prior art does not disclose a semiconductor device and thus does not anticipate the claimed invention. The Examiner respectfully disagrees with applicant's analysis. The cutting blade and thus the semiconductor device on which the cutting blade is used are both clearly directed to functional recitations of intended use wherein the prior art need only be capable of performing the recited function/intended use. In the present case, the prior art is clearly fully capable of performing the recited function and thus fully meets the limitations of the claims.

Regarding applicant's arguments directed to the new claims, the Examiner respectfully disagrees with applicant's positions and submits that the prior art meets these claims in at least the manner described in the prior art rejections above.

For at least the above reasons, it is respectfully submitted that the rejections must be maintained.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not



mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/**

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**Primary Examiner, Art Unit 3724**

cf  
December 5, 2009